UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,293	11/26/2003	David O. Skura	11440	5559

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EXAMINER
OSMAN, RAMY M

ART UNIT	PAPER NUMBER
2157	

MAIL DATE	DELIVERY MODE
03/21/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	**Applicant(s)**
Office Action Summary	10/723,293	SKURA ET AL.
	Examiner	**Art Unit**	
	RAMY M. OSMAN	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *10 December 2007*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-14* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-14* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some * c) ☐ None of:

         1. ☐ Certified copies of the priority documents have been received.

         2. ☐ Certified copies of the priority documents have been received in Application No. _____.

         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 08-06)   **Office Action Summary**   Part of Paper No./Mail Date 2

DETAILED ACTION

Status of Claims

1.   This action is responsive to amendment filed on December 10, 2007, where applicant

amended claims 1,8,10, and cancelled claims 15-20. Claims 1-14 are now pending.

Response to Arguments

2.   Applicant's arguments filed 12/10/2007 have been fully considered but they are not

persuasive.

3.   Applicant argues that the amendment to claim 8 overcomes the 101 rejection.

        In reply, although the previous reasoning of the 101 rejection is withdrawn, a new 101

rejection is presented in light of the amendment of "computer readable medium". The

specification is unclear as to whether "computer readable medium" is hardware or software. If

"computer readable medium" encompasses software alone then this renders the claim as

"software per se" which does not fall within any of the statutory categories. Applicant is

requested to clarify what is meant by "computer readable medium".

4.   Examiner notes that the correct reference number for Wu is: **US Patent Publication No**

2004/0068572.

5.   Applicant argues that Wu does not teach the amended limitations.

        In reply, Applicants arguments are moot in view of new grounds of rejection.

Claim Objections

6.   Claim 1 objected to because of the following informalities: On line 6, change

"associating with" to "associating it with". Appropriate correction is required.

Claim Rejections - 35 USC § 101

7.   Claim 8 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-

statutory subject matter. The specification is unclear as to whether "computer readable medium"

is hardware or software. If "computer readable medium" encompasses software alone then this

renders the claim as "software per se" which does not fall within any of the statutory categories.

Applicant is requested to clarify what is meant by "computer readable medium".

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

9.   **Claims 1-14 rejected under 35 U.S.C. 103(a) as being unpatentable over Wu (US**

Patent Publication No 2004/0068572) in view of Parsons et al (US Patent No 6,349,337).

10.   In reference to claim 1, Wu teaches a method for managing a preference, comprising:

        receiving a preference over a network associated with an entity during a first transaction

with a service; storing the preference in a data store; (¶ 44 and 49)

        identifying a second transaction made by the entity for the service (¶ 50);

        installing the preference on a computing device of the entity (¶53); and

        activating the service, wherein the service automatically uses the preference from the

computing device of the entity (¶ 53 & 54).

Wu teaches automatically saving session parameters (i.e. preferences) associated with a client (i.e. entity). Wu fails to explicitly teach wherein the entity directly identifies the preference during that first transaction where the entity elects an option to save the preference and provides an identifier for the preference that is being saved. However, Parsons teaches a user electing to freeze a current session (column 12 lines 39-40) and where the identifier for that session was provided by the user as pert of the session startup (column 9 lines 37-33). Parson teaches this for the purpose of enabling a user to dynamically reconnect to a session when the user is using a client different from an originally used client (column 2 lines 60-64). It would have been obvious for one of ordinary skill in the art to modify Wu wherein the entity directly identifies the preference during that first transaction where the entity elects an option to save the preference and provides an identifier for the preference that is being saved as per the teachings of Parsons for the purpose of enabling a user to dynamically reconnect to a session when the user is using a client different from an originally used client.

11.   In reference to claim 2, Wu teaches the method of claim 1 wherein the installing further includes creating a cookie within a browser, wherein the cookie includes the preference and the service consumes the cookie to acquire the preference (¶55 & 58).

12.   In reference to claim 3, Wu teaches the method of claim 1 wherein the receiving further includes identifying the preference as a search query that is processed by the service (¶54 & 55).

13.   In reference to claim 4, Wu teaches the method of claim 1. Wu fails to explicitly teach wherein the storing further includes storing the preference in an Extensible Markup Language (XML) data format within the data store. However, "Official Notice" is taken that XML data format is old and well known in the art, and that it would have been obvious for one of ordinary

skill in the art to modify Wu wherein the storing further includes storing the preference in an

Extensible Markup Language (XML) data format within the data store because XML is a well

known markup language with benefits such as facilitating the sharing of the structured data

across different information systems.

14.   In reference to claim 5, Wu teaches the method of claim 4. Wu fails to explicitly teach

wherein the installing further includes installing the preference in an XML format on the

computing device. However, "Official Notice" is taken that XML data format is old and well

known in the art, and that it would have been obvious for one of ordinary skill in the art to

modify Wu wherein the installing further includes installing the preference in an XML format on

the computing device because XML is a well known markup language with benefits such as

facilitating the sharing of the structured data across different information systems.

15.   In reference to claim 6, Wu teaches the method of claim 1 wherein the identifying further

includes detecting a login as the second transaction from the entity to the service and performing

the installing immediately after the login is successful (¶53 & 54).

16.   In reference to claim 7, Wu teaches the method of claim 1 wherein the processing of the

method acts as a front-end interface to the service (¶48-50).

17.   In reference to claims 8-14, these are system claims that correspond to the method claims

of claims 1-7. Therefore, claims 8-14 are rejected based upon the same rationale as given for

claims 1-7 above.

Conclusion

18.   The above rejections are based upon the broadest reasonable interpretation of the claims.
Applicant is advised that the specified citations of the relied upon prior art, in the above

rejections, are only representative of the teachings of the prior art, and that any other supportive sections within the entirety of the reference (including any figures, incorporation by references, claims and/or priority documents) is implied as being applied to teach the scope of the claims.

19.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to RAMY M. OSMAN whose telephone number is (571)272-4008.

The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RMO
March 12, 2008

/Ario Etienne/

Supervisory Patent Examiner, Art Unit 2157